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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,858	04/09/2001	Vijay Raghavan Chetty	5237P001	9480
8791	7590	01/04/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,858

Applicant(s)

CHETTY, VIJAY RAGHAVAN

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-10,33-49,53-59 and 62-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-32,50-52,60,61 and 66-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 60 and 61 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiselman et al..

Regarding claim 60, Geiselman et al. discloses a method (fig. 7a) for accessing user information downloaded into a portable unit (paragraph 0040 through paragraph 0044) comprising: selecting a key of the portable unit to access user transaction information (paragraph 0040 through paragraph 0044); selecting a function to retrieve the user transaction information from memory (database 24) within the portable unit (fig. 1 and paragraph 0040 through paragraph 0044); and transmitting the user transaction information to an input/output interface (cellular interface) of the portable unit for

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transmission to a targeted transactional entity (host device) (paragraph 0040 through paragraph 0044).

Regarding claim 61, Geiselman et al. discloses Credit card information (credit card number and expiration date) (paragraph 0044).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-17,21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al..

Regarding claims 11,21,22,25,26,27 and 50-53, Houvener et al. discloses a method (fig. 6), software program (col. 5 line 15 through col. 6 line 67) for transmitting information between a point of identification terminal (portable unit) (fig. 5) and an entity (controller) (financial) (col. 6 lines 6-67), comprising: establishing communications with a cellular link by the entity with the portable unit (col. 6 lines 6-67); verifying and authenticating a user of the portable unit (col. 6 lines 6-

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67); and uploading user information into the portable unit if the user is verified and authenticated (col. 6 lines 6-67). Houvener et al. differs from claim 11 of the present invention in that it does not explicit disclose its point of identification terminal is a portable unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the point of identification terminal portable, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art.

Regarding claim 12, Houvener et al. discloses receiving downloaded user identification information from the portable unit (col. 5 line 15 through col. 6 line 67).

Regarding claim 13, Houvener et al. discloses the user identification information includes biometrics (col. 12 lines 44-65).

Regarding claim 14, Houvener et al. discloses receiving for review user identification information printed on a separate document)credit card or drivers license) (col. 5 line 15 through col. 6 line 67 and col. 10 lines 55-67).

Regarding claim 15, Houvener et al. discloses accessing records stored on a computer of the entity and uploading the user information into the portable unit via an input/output (V0)

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port of the portable unit (col. 5 line 15 through col. 6 line 67).

Regarding claim 16, Houvener et al. discloses swiping a magnetic stripped card into a magnetic card reader, converting information stored within the magnetic stripped card into digital information and uploading the digital information into the portable unit via an input/output (I/O) port (cellular communication connection) of the portable unit (col. 5 line 15 through col. 6 line 67).

Regarding claim 17, Houvener et al. discloses swiping a credit card (smart card) into a smart card reader, converting information stored within the chip of the smart card into digital information and uploading the digital information into the portable unit via an input/output port (modem, phone line, wide area network or cellular network) of the portable unit (col. 5 line 15 through col. 6 line 67).

Regarding claims 23 and 24, Houvener et al. discloses establishing an internet connection with a web site of the entity (modem, wide area network) (col. 6 lines 6-24).

Regarding claim 28, Houvener et al. discloses uploading the remote codes from a universal programmable remote control (col. 5 line 15 through col. 6 line 67).

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Regarding claim 29, Houvener et al. discloses manually inputting the remote codes into the portable unit using the keypad (col. 5 line 15 through col. 6 line 67).

Regarding claim 30, Houvener et al. discloses 30. ne method of claim 26, wherein the remote codes include, radio frequency and optical signals and laser (col. 5 line 15 through col. 6 line 67, col. 10 lines 46-67 and col. 12 lines 44-65).

5. Claims 18-20,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al. as applied to claims 11 and 15 above and in further view of Axelrod et al..

Regarding claim 18,19,31 and 32, Houvener et al. discloses a method as discussed supra in claims 11,15 and 26 above.

Houvener et al. differs from claims 18,19,31 and 32 of the present invention in that it does not disclose transferring the information into a protected memory area of an internal memory within the portable unit. Axelrod et al. teaches transferring driver license information into a protected memory area of an internal memory within apparatus 10 (col. 4 lines 31-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

Houvener et al. with transferring the information into a protected memory area of an internal memory within the portable

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unit in order to save the credit card or driver license information for retrieval at a later time, as taught by Axelrod et al..

Regarding claim 20, Houvener et al. discloses a method as discussed supra in claim 11 above. Houvener et al. differs from claim 20 of the present invention in that it does not disclose prompting user of the portable unit to set up at least one of a user identification and a password completion of the uploading of the information. Axelrod et al. teaches apparatus 10 for gathering a password and identification to be authenticated (col. 4 lines 14-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Houvener et al. with prompting user of the portable unit to set up at least one of a user identification and a password completion of the uploading of the information in order to determine if the user of the point of identification terminal is authorized for credit verification, as taught by Axelrod et al..

3. Claims 66-72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Axelrod et al..

Regarding claims 66-71, Taylor et al. discloses a method (page 4 claim 10) comprising authenticating a user of a portable unit (paragraph 0018 through paragraph 0020), the portable unit comprises a display (fig. 1 number 110), a wireless transceiver (fig. 1 number 110), a processing unit (fig. 1 number 110) and a non-volatile memory contain within a casing (fig. 1 number 110). Taylor et al. differs from claims 66-71, of the present invention in that it does not disclose

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uploading drivers license information for storage within the memory, the drivers license information includes a digital picture of the user a user, a user name and drivers license number. Axelrod et al. teaches a radio apparatus with cellular phone technology wherein uploading drivers license information for storage within the memory (col. 4 lines 31-67), prompting password and identification (col. 4 lines 21-31), the drivers license information includes a digital picture of the user a user, a user name and drivers license number (col. 4 lines 31-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taylor et al. cellular phone with uploading drivers license information for storage within the memory, the drivers license information includes a digital picture of the user a user, a user name and drivers license number in order to verify a user of a credit card by uploading the credit card user drivers license to the financial institution to see if the user is the authorized to use the credit card, as taught by Axelrod et al..

Regarding claim 72, the combination of Taylor et al. and Axelrod et al. differs from claim 72 of the present invention in that they do not disclose the drivers license information is transmitted to an internet address. However, cellular telephone are known in the art in wireless and cellular communication for transmitting information to an internet address. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the drivers license information to be transmitted to an internet address, since its

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is known in the wireless and cellular communication art for transmitting information to an internet address.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Giordano et al. (U.S. Pub. No: 2002/0152123 A1) discloses a system and method for uploading a driver license (paragraph 0090).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
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December 23, 2004

A handwritten signature in black ink, appearing to read 'K. Ferguson', with a long horizontal line extending to the right.